

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALEJO RINCON-ALVAREZ,

Defendant.

No. CR06-2047-MWB

**ORDER ACCEPTING MAGISTRATE  
JUDGE'S REPORT AND  
RECOMMENDATION REGARDING  
DEFENDANT'S GUILTY PLEA**

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***I. INTRODUCTION AND BACKGROUND***

On September 7, 2006, an indictment was returned against defendant Alejo Rincon-Alvarez, charging defendant with misuse of a social security number, in violation of 42 U.S.C. § 408(a)(7)(B), aggravated identity theft, in violation of 18 U.S.C. § 1028A(a)(1), misrepresentation of United States citizenship with the intent to unlawfully engage in employment, in violation of 18 U.S.C. § 1015(e), and utilizing an identification document not issued to him, in violation of 18 U.S.C. § 1546(b)(1). On January 11, 2007, defendant appeared before Chief United States Magistrate Judge John A. Jarvey and entered a plea of guilty to Counts 4,5,6, and 7 of the indictment. On this same date, Judge Jarvey filed a Report and Recommendation in which he recommends that defendant's guilty plea be accepted. No objections to Judge Jarvey's Report and Recommendation were filed. The court, therefore, undertakes the necessary review of Judge Jarvey's recommendation to accept defendant's plea in this case.

***II. ANALYSIS***

Pursuant to statute, this court's standard of review for a magistrate judge's Report

and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made, as follows:

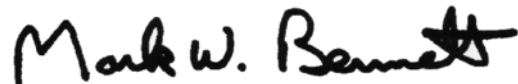
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommended decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the court upon review of Judge Jarvey's findings and conclusions, that there is no ground to reject or modify them. Therefore, the court **accepts** Judge Jarvey's Report and Recommendation of January 11, 2007, and accepts defendant's plea of guilty in this case to Counts 4, 5, 6, and 7 of the indictment.

**IT IS SO ORDERED.**

**DATED** this 30th day of January, 2007.



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MARK W. BENNETT  
U. S. DISTRICT COURT JUDGE  
NORTHERN DISTRICT OF IOWA